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**THE DAVID EPSTEIN LAW FIRM**

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

JOHN D. THOMAS,

Plaintiff,

vs.

LEAGLE, INC., a former Arkansas  
corporation; and DOES 1-25,

Defendants.

) Case No. 8:23-cv-00236-DOC-JDE

) Assigned for all purposes to:

)

) **FIRST AMENDED NOTICE OF**

) **DEFAULT AND REQUEST FOR**

) **CLERK'S ENTRY OF DEFAULT;**

) **DECLARATION OF DAVID G.**

) **EPSTEIN**

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To the court and defendant:

Plaintiff here submits its request for clerk's entry of default.

This request is based upon the following:

1. Defendant Leagle, Inc. is not a minor or incompetent person or in military service or otherwise exempted under the Soldiers and Sailors Civil Relief Act of 1940. (See Declaration of David G. Epstein at ¶ 6.)

1 2. Notice of the application has been served as required by Rule 55(b)(2).

2 3. Notice of this application for default judgment by court has been served on  
3 said defendant by August 29, 2023, in the manner previously approved by this court for  
4 service of process on this defendant. (Declaration of David G. Epstein ¶7).

5 4. The above-named defendant has failed to plead or otherwise respond to the  
6 complaint (*Id.* at ¶5).

7 The application is based on this Notice, the attached Declaration of David G.  
8 Epstein, the pleadings and files in this matter, and any other matter that may be brought  
9 before the court at the hearing.

10 **The David G. Epstein Law Firm**

11  
12 */s/ David G. Epstein*

13 Dated: August 29, 2023

14 \_\_\_\_\_  
David G. Epstein

**Declaration of David G. Epstein**

I, David G. Epstein, say:

1. I am licensed California attorney admitted to their of this court. I make this declaration of my own personal knowledge and could and would so testify if called.

2. This action was filed on February 7, 2023. Summons was issued on February 9, 2023.

3. On April 14, 2023, the court authorized service of process on this defendant by electronic means (Docket 17). The relevant portions of the court's order read as follows:

A court may authorize service of process by email where such service is reasonably calculated to apprise a defendant of an action. *Rio Properties, Inc. v. Rio Int'l Interlink*, 284 F.3d 1007, 1017 (9th Cir. 2002). Accordingly, Plaintiff may serve Leagle, Inc. by accessing the "contact us" page on its website and uploading or linking the summons, complaint, and other documents through that page. If Leagle, Inc. fails to respond timely, in seeking entry of default, Plaintiff shall specify in detail the steps it took to serve process by the above-stated means, and all relevant matters and events associated with its service effort.

4. On June 13, 2023, plaintiff filed a proof of service by said means (Docket 18).

The relevant portions of that proof of service read as follows:

2. On May 31, 2023, I accessed the Leagle.com "Contact Us" page.

3. I advised in writing that they have been sued, provided my contact information, and provided a link to a Dropbox.com web address where they could access the summons, complaint, initial order, statement re magistrates, and statement of damages. That dropped web address is [https://www.dropbox.com/home/Leagle Pleadings](https://www.dropbox.com/home/Leagle%20Pleadings).

4. On June 13, 2023, at 3:59 pm, I accessed that dropbox website and the pleadings were readily accessible

5. Accordingly, I believe that Leagle, Inc. has been served in accordance with the court's order authorizing service in that manner

5. This manner of service complies with the court's order (Docket 17).

